

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
(Indianapolis Division)**

**RED BARN MOTORS, INC.,  
PLATINUM MOTORS, INC., and  
MATTINGLY AUTO SALES, INC.,  
individually, and on behalf of other  
members of the general public  
similarly situated,**

**v.**

**NEXTGEAR CAPITAL, INC.,  
F/K/A DEALER SERVICES  
CORPORATION,**

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**DOCKET NO. 1:14-cv-01589-TWP-DLP  
CLASS ACTION**

**DECLARATION OF JOHN BURLACU, SENIOR DIRECTOR OF  
DONLIN, RECANO & COMPANY, INC.**

I, John Burlacu declare:

1. I am a Senior Director employed by Donlin, Recano & Company, Inc. (“Donlin Recano”) located at 6201 15<sup>th</sup> Avenue, Brooklyn, New York 11219. The following statements herein are of my personal knowledge.

2. Donlin Recano was engaged by the Plaintiffs to supervise and administer the Class Settlement Notice and other procedures set forth in the Settlement Agreement between Plaintiffs and Defendant NextGear Capital, Inc. (“NextGear”) (Filing No. 373-9).

**Dedicated Website**

3. In accordance with the Settlement Agreement, Donlin Recano updated a dedicated Red Barn Settlement website ([www.donlinrecano.com/rbm](http://www.donlinrecano.com/rbm)) with the *Class Settlement Notice* (the “Notice”), pleadings and court orders from the litigation, Frequently Asked Questions, and other information. With Plaintiffs’ counsel’s and NextGear’s input, Donlin Recano drafted those Frequently Asked Questions and answers that are posted to the dedicated website. Visitors to the website have the ability to download, free of charge, copies of the

documents which are posted there. The website was operational beginning April 24, 2020 and is accessible 24 hours a day, 7 days a week.

**Dedicated Toll-Free Telephone Hotline**

4. In accordance with the Settlement Agreement, Donlin Recano obtained and maintains a dedicated toll-free telephone hotline to inform Class Members and field their inquiries. Donlin Recano employees have been manning the toll-free telephone hotline since its inception. Callers are assisted by these live operators who answer their questions using the Frequently Asked Questions and answers drafted by Donlin Recano with input from the parties to the settlement. Callers can also obtain information and request copies of the Notice from the live operators. The call center's dedicated representatives were trained on the specifics of the action and are available Monday through Friday from 9:00 AM to 5:00 PM EST. During non-business hours, callers are greeted with a voicemail message instructing them to visit the case website for more information and to leave their name, phone number, and a brief message. All inquiries are responded to within 24 hours.

**Class Action Fairness Act Notice of Settlement**

5. In accordance with the Settlement Agreement, Donlin Recano served the *CAFA Notice of Settlement* on the appropriate federal and state officials pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, as set out in more detail in my affidavit of June 23, 2021, attached hereto as Exhibit 1.

**Class Settlement Notice**

6. In accordance with the Settlement Agreement, Donlin Recano caused the *Class Settlement Notice* to be mailed and emailed to known class members as set out in more detail in my affidavit of July 12, 2021, attached hereto as Exhibit 2 and below.

7. The Notice form distributed to the Class (attached hereto as Exhibit 3) contains minor differences from the version of the Notice that Plaintiffs submitted with their Motion for Preliminary Approval. The finalized notice includes the deadlines set forth in the Court's preliminary approval order, and each Class Member received an individualized Notice with its credit allocation and/or cash payment amount.

8. Since the Notice was sent, Donlin Recano has re-processed returned and forwarded mail and tracked undeliverable mail, and has continuously been tracking Class Members' responses to the Class Settlement Notice to the extent it receives them.

#### **Summary Legal Notice of Settlement of Class Action Lawsuit**

9. In accordance with the Settlement Agreement, Donlin Recano caused a summary *Legal Notice of Settlement of Class Action Lawsuit* to be published one time in the Wall Street Journal. The Affidavit of publishing and the summary Notice are in the attached Exhibit 4, *The Wall Street Journal Affidavit of Publication for Legal Notice of Settlement of Class Action Lawsuit*.

#### **Status of Forms W-9**

10. As of the date of this filing, Donlin Recano has received 15 Forms W-9 out of 431 that were sent out to Class Members along with their Class Settlement Notice.

#### **Status of Class Objectors**

11. As of the date of this filing, Donlin Recano has received no letters of objection to the settlement from any class members.

#### **Costs Incurred**

12. On June 15, 2021, Donlin Recano received \$50,000 from NextGear as a pre-payment of its reasonable and necessary Class Settlement Notice and Administrative Costs.

13. Donlin Recano has invoiced a total of \$65,537.83 to date on the administration of the Class Settlement Notice in this matter for fees and expenses, and will incur additional fees and expenses as Class Member questions and responses are received and addressed and payments are distributed.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

Executed this August 26<sup>th</sup>, 2021 in Brooklyn, New York.

By

John Burlacu  
John Burlacu

Sworn before me this  
August 26<sup>th</sup>, 2021.

Sung Jae Kim  
Notary Public

Sung Jae Kim  
Printed Name of Notary Public

My Commission expires: September 14, 2021

SUNG JAE KIM  
NOTARY PUBLIC STATE OF NEW YORK  
QUEENS COUNTY  
LIC. #01KI6211176  
MY COMM. EXP. SEPTEMBER 14, 2021